THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

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WRIT PETITION No.25196 OF 2005

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Dt: 25.11. 2005

Between:

B.Siva Venkateswararao

.. Petitioner

AND

State of Andhra Pradesh, Rep. by its

Prl Secretary, Social Welfare Department,

Secretariat, Hyderabad, and others

.. Respondents

ORDER:

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Petitioner submitted an application to the 3rd respondent for issuance of a caste certificate. He states that he belongs to 'Gowda' caste. The 3rd respondent issued an endorsement, dated 27.10.2005, to the effect that, on the basis of the application, the Additional Mandal Revenue Inspector was sent to the native place of the petitioner, and in the enquiry it emerged that the person, who was shown as father of the petitioner is in fact his grand father. The 3rd respondent took the view that the petitioner did not state correct facts and thereby rejected the application. The petitioner challenges the same.

Heard the learned counsel for the petitioner and the learned Government Pleader for Social Welfare.

Petitioner states that his natural father is one
Sri Seetharamaiah and his paternal grand father is one
Sri Nagendrarao. He states that his father died when he was three years old, and thereupon, his grand father Sri Nagendrarao has taken him in adoption. It is, under these circumstances, he described Sri Nagendrarao as his father. He contends that the
3rd respondent ought to have called upon the petitioner to explain before making the impugned endorsement.

In the matter of issuance of caste certificates, the Mandal Revenue Officer is required to be sure as to the particulars of the candidates in whose favour the certificate is issued. It may appear somewhat extraordinary that the grand father of a child takes him in adoption. However, if proper explanation is offered, the same needs to be considered by the concerned authority. The matter may have to be verified from the adoptive as well as the natural parents, unless the adoption is evidenced by a registered adoption deed. The concerned authority is under obligation to make proper verification from the natural as well as the adoptive parents or in the absence of any of them, from the close relations or neighbours of the concerned. The rejection of the application, in the present contest, cannot be said to be unreasonable. However, the right of the petitioner to obtain a caste certificate cannot be blocked once for all.

Therefore, the writ petition is disposed of, leaving it open to the petitioner to state full facts with available proof in support of his case, and on receipt of the same, the 3rd respondent shall consider the matter afresh and pass appropriate orders. There shall be no order as to costs.

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L.NARASIMHA REDDY,J

Date:25.11.2005

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